

# EXHIBIT D

## NYCHSRO/MedReview

### Clinical Review Report Prepared For: Ironworkers Health and Welfare Fund

Mr / DOB / Age: Brian Sidote 4/16/87 [ 34 ]  
ID # / Gender: MID0024054 M First/Last Svc Dates:  
Referral Date: August 19, 2021 CRS Reference #: 203926  
Review Date: August 23, 2021 Reviewer(s): David Lessing, M.D.  
Claim #: Orthopedic Surgery  
Case / Auth #: [-],  
LOB / Group ID:  
Case Type: Medical Necessity  
Determination: Partly Certified [Partly Approved]

### IRO CONSULTANT RESPONSE

#### Review Issue(s) / Questions:

1. Medical necessity: Is the procedure coded under CPT 29879 medically necessary? Please reference established criteria or guidelines or practice norms and provide relevant references. (Note: You already reviewed CPT 29883 and 29888 under a prior review. These procedures do not need to be reevaluated.)

2. Were all billed procedures actually performed? Please reconcile the two bills with the operative reports.

3. Coding: Are the submitted CPT codes an accurate coding for this treatment? If additional or different coding is indicated, please provide those appropriate codes as well.

#### Submitted CPT Codes:

Session #1 (6/16/21): 29883; 29879

Session #2 (7/15/21): 29888

4. For this procedure, the surgeon was assisted by two surgical assistants. Was it medically necessary to use two surgical assistants for this procedure?

#### Materials Reviewed:

1. I have reviewed my previous report to you dated 06/07/21.

2. From 01/01/21 through 06/04/21 I have reviewed office notes from Complete Orthopedics, Dr. Vaksha. These were previously reported in my 06/07/21 report.

3. On 06/16/21 Dr. Vaksha submits an operative report describing medial and lateral meniscal repairs

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with the microfracture chondroplasty being performed. The tourniquet time was listed as 127 minutes. The operative report lists two surgical assistants.

4. On 06/16/21 a HCFA billing form is submitted with CPT codes 29883 and 29879.

From 01/01/21 through 07/12/21 Complete Orthopedics, Dr. Vaksha, provides office notes. These notes include postoperative care from the surgical procedure of 06/16/21 as well as an operative report describing the ACL reconstruction of 07/15/21.

On 07/15/21 Dr. Vaksha provides an operative report describing and ACL reconstruction using a graft with two assistants.

On 07/15/21 a HCFA billing form is submitted with CPT code 29888.

#### ***Response to Review Questions:***

1. The operative report describes performing a microfracture chondroplasty representing CPT code 29879. The operative report does not describe any lesion in the knee that would require a microfracture chondroplasty. Furthermore, the MRI study from 06/02/21 did not identify an articular cartilage lesion in the left knee. Therefore, the supplied records do not support performing a microfracture chondroplasty of the left knee.

2. According to the operative reports, the billed procedures were performed on the dates that match the HCFA forms. As noted above, the microfracture chondroplasty (CPT 29879) is not supported by the available records.

3. The submitted CPT codes are accurate coding for the procedures described in their respective operative reports.

4. It is not typical for the procedures performed on 06/16/21 or 07/15/21 to require two operative assistants. One operative assistant is customary, usual, and reasonable. The operative reports from 06/16/21 do not describe conditions that would require a second assistant.

The operative report from 07/15/21 does not describe conditions that would require a second assistant. Even the preparation of the ACL graft from the 07/15/21 procedure was performed by Dr. Vaksha and one assistant. The operative report is specific in this area and does not indicate that two assistants prepared the graft while Dr. Vaksha performed another portion of the procedure simultaneously.

#### ***Clinical Synopsis and Rationale:***

In summary, the submitted medicals describe medial and lateral meniscal repair with a microfracture chondroplasty on 06/16/21. The operative reports describe meniscal pathology that justifies the repair procedures performed. The operative report from that date does not describe a cartilage lesion requiring a microfracture chondroplasty. The microfracture chondroplasty (CPT 29879) is not supported by the records and is not medically necessary.

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The operative report from 07/15/21 describes an anterior cruciate reconstruction which is properly billed with CPT code 29888.

Both operative reports describe the use of two surgical assistants which is not the standard of care and the operative reports do not describe exceptional situations that would support a deviation from that standard.

#### **Recommendation:**

My recommendation is that CPT code 29879 not be certified as medically necessary, and that the other billed procedures be accepted with one surgical assistant.

#### **References:**

Milliman Guidelines RRG: S-705-RRG (ISC) were used in preparation of this report.

#### **Conflict of Interest Attestation:**

**I hereby attest** that I have examined the materials provided to me and that I have no conflict of interest (as defined above or otherwise) regarding:

- the referring entity
- the health benefit plan / insurer or any officer, administrator, fiduciary, director or employee of same
- the patient / consumer / covered person or that person's authorized representative (if the representative's identity is known)
- the requesting provider, provider's group or IPA or any other healthcare provider previously involved in the case
- the facility at which the recommended treatment would be provided
- the developer or manufacturer of the principal drug, device, procedure, or other therapy being recommended for the patient

**I further attest** that I will not accept compensation for external review activities that are dependent on any way on the specific outcome of the case nor is my decision in any way based on consideration of race, religion, national origin, gender nor on the basis of any other non-clinical personal factor and that I do not have any history of involvement with this case or episode of care prior to its referral to me on this occasion.

#### **Reviewer Name:**

David Lessing, M.D.

#### **Board Certification:**

Orthopedic Surgery